

May 23, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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Attorney for Debtors
Christopher L. Androkitis
Jennifer R. Androkitis

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:) Case No. 08-30690-D-13L

CHRISTOPHER L. ANDROKITIS and)
JENNIFER R. ANDROKITIS) DCN: NLG-1

Debtors

IBM Lender Business Process Services,)
Inc. As servicer for Federal National)
Mortgage Association, its successors)
and/or assigns,)

Movant,

v.)

CHRISTOPHER L. ANDROKITIS dba)
AMERICAS BBQ ISLANDS FROM CA,)
Debtor; JENNIFER R. ANDROKITIS)
aka JENNIFER R. ANDROKITIS,)
Joint Debtor and LAWRENCE J.)
LOHEIT, Chapter 13 Trustee,)

Respondents.)

DATE: June 7, 2011
TIME: 1:30 p.m.
PLACE: Courtroom 33
JUDGE: Sargis

EXHIBITS
DEBTORS' OPPOSITION TO MOTION FOR RELIEF
FROM THE AUTOMATIC STAY

Exhibit	Title	Page
"A"	Quicken bookkeeping program	3
"B"	Payment history from Patelco account	5-6
"C"	IRS form 1098	8
"D"	Letter dated August 9, 2010 from LBPS	10-11

EXHIBIT "A"

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3/23/11 1333.00

Search Results

						Page 1	
Date	Acct	Num	Payee	Cat	Memo	Clr	Amount
2/24/2011	Personal - Patelco		Bill Payment Lende...	Mortgage Payment	Bill Payment LEN...	c	-1,333.00
1/25/2011	Personal - Patelco		Bill Payment Lende...	Housing	Bill Payment LEN...	c	-1,333.00
12/17/2010	Personal - Patelco		Bill Payment Lende...	Housing	Bill Payment LEN...	R	-1,333.00
12/3/2010	Personal - Patelco	3872	Lendor Bus. Proces...	Housing	Share Draft: 000...	R	-1,333.00
11/2/2010	Personal - Patelco	3859	Lendor Bus. Proces...	Housing	Share Draft: 000...	R	-1,333.00
9/27/2010	Personal - Patelco		Lendor Bus. Proces...	Mortgage Payment	Share Draft: 000...	R	-1,333.00
8/27/2010	Personal - Patelco		Lendor Bus. Proces...	Mortgage Payment	Share Draft: 000...	R	-1,333.00
7/26/2010	Personal - Patelco		Aurora Loan Serv B...	Mortgage Payment	ANDROKITIS CH...	R	-1,333.00
6/23/2010	Personal - Patelco		Bill Payment Aurora...	Mortgage Payment	Bill Payment AU...	R	-1,333.00
5/21/2010	Personal - Patelco		Bill Payment Aurora...	Mortgage Payment	Bill Payment AU...	R	-1,333.00
5/5/2010	Personal - Patelco	5112	Aurora Loan Serv B...	Mortgage Payment	Share Draft: 000...	R	-1,333.00
3/31/2010	Personal - Patelco		Bill Payment Aurora...	Mortgage Payment	Bill Payment AU...	R	-1,333.00
2/25/2010	Personal - Patelco		Bill Payment Aurora...	Mortgage Payment	Bill Payment AU...	R	-1,333.00
1/20/2010	Personal - Patelco		Bill Payment Aurora...	Mortgage Payment	Bill Payment AU...	R	-1,333.00
12/14/2009	Personal - Patelco		Bill Payment Aurora...	Mortgage Payment	Bill Payment AU...	R	-1,333.00
10/29/2009	Personal - Patelco		Bill Payment Aurora...	Mortgage Payment	Bill Payment AU...	R	-1,333.00

Off our Quicken
bookkeeping.

EXHIBIT A

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EXHIBIT “B”

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- [Balances](#)
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- [Sign Out](#)

April 24, 2011

Payment History

[BillPay Options](#)[Pay Bill](#)[Pay Multiple Bills](#)[Current Payments](#)[Add/Delete Payees](#)[Payment History](#)[Change Max Payment](#)[Amount](#)[FAQs/Help](#)

Payee	Amount	Confirmation (Check # to Inquire)	Status	Check #	Sent
				Date Cleared	
LENDER BUSINESS PROCESS SERVICES, 10832816; P.O. BOX 7162 PASADENA, CA 91109-7162	\$1,333.00	0012517690	Sent	2218126135	3/23/2011
				4/4/2011	
LENDER BUSINESS PROCESS SERVICES, 10832816; P.O. BOX 7162 PASADENA, CA 91109-7162	\$1,333.00	0012387757	Sent	2214821935	2/24/2011
				3/3/2011	
LENDER BUSINESS PROCESS SERVICES, 10832816; P.O. BOX 7162 PASADENA, CA 91109-7162	\$1,333.00	0012251018	Sent	2211403376	1/25/2011
				2/3/2011	
LENDER BUSINESS PROCESS SERVICES, 10832816; P.O. BOX 7162 PASADENA, CA 91109-7162	\$1,333.00	0012078965	Sent	2207252687	12/17/2010
				12/29/2010	
LENDER BUSINESS PROCESS SERVICES, 10832816; P.O. BOX 7162 PASADENA, CA 91109-7162	\$1,333.00	0011710812	Sent	2198078984	9/27/2010
				10/1/2010	
LENDER BUSINESS PROCESS SERVICES, 10832816; P.O. BOX 7162 PASADENA, CA 91109-7162	\$1,333.00	0011578315	Sent	2194976685	8/27/2010
				9/1/2010	

Started
Paying to
LBS

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NCUA

Your savings federally insured to at least \$250,000 and backed
by the full faith and credit of the U.S. Government. [National Credit Union
Administration](#), a U.S. Government Agency.

EXHIBIT "B"

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April 24, 2011

Payment History

[BillPay Options](#)[Pay Bill](#)[Pay Multiple Bills](#)[Current Payments](#)[Add/Delete Payees](#)[Payment History](#)[Change Max Payment Amount](#)[FAQs/Help](#)

Payee	Amount	Confirmation (Click # to Inquire)	Status	Check #	Sent
				Date Cleared	
Aurora Loan Services, 0033353624 P.O. Box 173930 Denver, CO 80217-3930	\$1,333.00	0011434408	Sent	Electronic	7/26/2010
Aurora Loan Services, 0033353624 P.O. Box 173930 Denver, CO 80217-3930	\$1,333.00	0011294331	Sent	Electronic	6/23/2010
Aurora Loan Services, 0033353624 P.O. Box 173930 Denver, CO 80217-3930	\$1,333.00	0011151213	Sent	Electronic	5/21/2010

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Your savings federally insured to at least \$250,000 and backed by the full faith and credit of the U.S. Government. [National Credit Union Administration](#), a U.S. Government Agency.

EXHIBIT "B"

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EXHIBIT "C"

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IMPORTANT TAX RETURN INFORMATION BELOW



3-769-01164-0137076-028-1-000-000-000-000
ANDROKITIS, CHRISTOPHER L
ANDROKITIS, JENNIFER R
1505 RUNDEL WAY
ROSEVILLE CA 95747-6307

PAGE 1 OF 1

ACCOUNT NUMBER: 10832816
FOR INFORMATION CALL: 1-866-570-5277
CUSTOMER SERVICE HOURS:
Mon-Thu 5am to 9pm; Fri 5am to 6pm
Sat 6am to 12pm; Sun 11am to 5pm PT

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

☐ CORRECTED (if checked)

RECIPIENT'S/LENDER'S name, address, and telephone number IBM Lender Business Process Services, Inc. PO Box 4121 Beaverton, OR 97076-4121 Phone No. 866-570-5277	<i>*Caution: The amount shown may not be fully deductible by you. Limits based on the loan amount and the cost and value of the secured property may apply. Also, you may only deduct interest to the extent it was incurred by you, actually paid by you, and not reimbursed by another person.</i>	OMB No. 1545-0901 2010 Form 1098	Mortgage Interest Statement																										
PAYER'S/BORROWER'S name, street address (including apt. no.), city, state, and ZIP code ANDROKITIS, CHRISTOPHER L ANDROKITIS, JENNIFER R 1505 RUNDEL WAY ROSEVILLE CA 95747-6307	<table border="1"> <tr> <td>1</td> <td>Mortgage interest received from payer(s)/borrower(s)*</td> <td>\$ 12,443.94 ✓</td> </tr> <tr> <td>2</td> <td>Points paid on purchase of principal residence</td> <td>\$.00</td> </tr> <tr> <td>3</td> <td>Refund of overpaid interest</td> <td>\$.00</td> </tr> <tr> <td>4</td> <td>Mortgage insurance premiums</td> <td>\$.00</td> </tr> <tr> <td>5</td> <td>PROPERTY TAXES</td> <td>1,628.10 ✓</td> </tr> <tr> <td colspan="2">RECIPIENT'S federal identification no.</td> <td>20-5951227</td> </tr> <tr> <td colspan="2">PAYER'S social security number</td> <td>XXX-XX-5066</td> </tr> <tr> <td colspan="3">Account number (see instructions)</td> </tr> <tr> <td colspan="3">10832816</td> </tr> </table>	1	Mortgage interest received from payer(s)/borrower(s)*	\$ 12,443.94 ✓	2	Points paid on purchase of principal residence	\$.00	3	Refund of overpaid interest	\$.00	4	Mortgage insurance premiums	\$.00	5	PROPERTY TAXES	1,628.10 ✓	RECIPIENT'S federal identification no.		20-5951227	PAYER'S social security number		XXX-XX-5066	Account number (see instructions)			10832816			Copy B For Payer/Borrower The information in boxes 1, 2, 3, and 4 is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if the IRS determines that an underpayment of tax results because you overstated a deduction for this mortgage interest or for those points or because you did not report this refund of interest on your return.
1	Mortgage interest received from payer(s)/borrower(s)*	\$ 12,443.94 ✓																											
2	Points paid on purchase of principal residence	\$.00																											
3	Refund of overpaid interest	\$.00																											
4	Mortgage insurance premiums	\$.00																											
5	PROPERTY TAXES	1,628.10 ✓																											
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PAYER'S social security number		XXX-XX-5066																											
Account number (see instructions)																													
10832816																													

Form 1098

(Keep for your records)

Department of the Treasury - Internal Revenue Service

ACCOUNT STATEMENT

IBM Lender Business Process Services, Inc.
PO Box 4121
Beaverton, OR 97076-4121
20-5951227

ANDROKITIS, CHRISTOPHER L
ANDROKITIS, JENNIFER R
1505 RUNDEL WAY
ROSEVILLE CA 95747-6307

Tax Year: 2010
Acct#: 10832816
Last 4 digits of SSN: XXX-XX-5066

The following is a statement of your account for the period during which we have serviced your loan:

PRINCIPAL RECONCILIATION
Beginning Principal Balance: \$362,005.42
Ending Principal Balance: \$362,005.42

Amount Added to Principal Due to
Negative Amortization: \$0.00

ESCROW RECONCILIATION
Beginning Escrow Balance: \$1,906.95-
Total Escrow Deposits: \$1,998.48
Total Escrow Disbursements: \$1,628.10
Ending Escrow Balance: \$1,536.57-
Interest on Escrow: \$0.00

REAL ESTATE TAXES ADVANCED
Property Taxes: \$1,628.10

EXHIBIT "C"

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EXHIBIT “D”

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**Lender Business Process Services**

14523 SW Millikan Way, Suite 200, Beaverton, OR 97005

Business Hours (Pacific Time)Mon-Thu 9:00am to 5:00pm; Fri 9:00am to 5:00pm
Sat 9:00am to 12:00pm, Sun 11:00am to 5:00pm**Payments**

P.O. Box 7162; Pasadena, CA 91109-7162

Correspondence

PO Box 4121; Beaverton, OR 97076-4121

Phone

866.570.5277

Fax

866.578.5277

Website

www.lbps.com

August 9, 2010

L027A

ANDROKITIS, CHRISTOPHER L
ANDROKITIS, JENNIFER R
1505 RUNDEL WAY
ROSEVILLE, CA 95747RE: Loan No: 10832816
Total Debt*: \$381,233.48

IBM Lender Business Process Services, Inc. (LBPS) is the servicer and debt collector of the above-referenced loan. LBPS will accept payments from you on behalf of Fannie Mae, your creditor. LBPS has been authorized to make decisions on your creditor's behalf.

According to our records, including information that we have received from your prior servicer, the amount of your debt as of the date of this notice is provided below. It is not a pay-off statement. A pay-off amount might include a prepayment charge, additional third-party costs that have not yet been paid by your prior servicer, and future costs that may be necessary.

Summary of Total Debt Composition:**Loan Balance, Interest, & Escrow**

Current Principal Balance:	\$362,005.42
Unpaid Interest:	\$25,433.36
Escrow Overdraft:	\$0.00
Interest Arrearage:	\$0.00
Escrow Arrearage:	\$0.00

Servicer Charges

Late Charges	\$414.80
NSF	\$0.00
Other	\$0.00

Advances on Borrower Behalf

Short Payments	\$0.00
Title	\$0.00
Property Inspections	\$84.00
Bankruptcy	\$250.00
Property Preservation	\$0.00
BPO/Appraisal/Valuations	\$0.00
Foreclosure	\$0.00
Legal/Attorney	\$0.00
Taxes and Insurance	\$0.00
Other	\$0.00

Funds Held

Suspense Balance:	\$8,869.05
Escrow Balance:	\$1,906.95
Other/Special Handling:	\$0.00
Total Amount of Your Debt:	\$381,233.48

*Called
8/19 4pm*

(Continued)

YOU SHOULD CONSIDER THIS LETTER AS COMING FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. ANY INFORMATION PROVIDED BY YOU WILL BE USED TO COLLECT THIS DEBT. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY. COLORADO: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA. NEW YORK CITY: 1331537, 1340663, 1340148. TENNESSEE: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. IBM Lender Business Process Services, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.

EXHIBIT "D"

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ANDROKITIS, CHRISTOPHER L
ANDROKITIS, JENNIFER R
Loan No.: 10832816
Page 2
August 9, 2010

Pursuant to the Federal Fair Debt Collections Practices Act, if you do not notify us within 30 days after receiving this notice that you dispute the validity of this debt, or any portion thereof, the debt will be assumed to be valid by the debt collector. If you notify us in writing within 30 days that the debt or any portion thereof is disputed, or if you request the name and address of the original creditor, we will obtain verification of the debt or judgment against you and mail a copy to you and provide you with the name and address of the original creditor.

The law does not require us to wait until the end of the 30-day period before attempting to collect this debt. If, however, you request proof of the debt or the name and address of the original creditor within the 30-day period that begins with your receipt of this letter, the law requires us to suspend our efforts (through litigation or otherwise) to collect the debt until we mail the requested information to you. In addition, we will suspend our efforts (other than sending you reminder notices) ~~until the expiration of your grace period if all payments have been made on your loan other than the payment due this~~ month.

If you have questions, please contact LBPS Customer Service toll-free at 866.570.5277, Mon-Thu 5:00am to 9:00pm; Fri 5:00am to 6:00pm, Sat 6:00am to 12:00pm, Sun 11:00am to 5:00pm Pacific time, or in writing at PO Box 4121; Beaverton, OR 97076-4121.

*Please call our office for up to date
payoff information.

Sincerely,

Lender Business Process Services

YOU SHOULD CONSIDER THIS LETTER AS COMING FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. ANY INFORMATION PROVIDED BY YOU WILL BE USED TO COLLECT THIS DEBT. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY. COLORADO: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA. NEW YORK CITY: 1331537, 1340663, 1340148. TENNESSEE: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. IBM Lender Business Process Services, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.

EXHIBIT "D"

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